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July 9, 2025

BY ECF

The Honorable Margo K. Brodie
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

*Re: Federal Defenders of New York, Inc. v. Federal Bureau of Prisons,
et al., No. 19 Civ. 660 (MKB)*

Dear Chief Judge Brodie:

We write on behalf of the Federal Defenders to provide an update pursuant to the Court's order dated June 13, 2025.

Issues with Legal Visitor Check-In. As the parties have previously reported, *see, e.g.*, ECF Nos. 465 and 468, the BOP enacted new procedures in April 2025 for tracking visitor information, including collecting and electronically storing identifying information from legal visitors as they enter the MDC for legal visits. This system continues to cause confusion and significant delays for legal visitors, which the MDC has reported stems from miscommunications within the BOP, training issues, and quarterly changes in staff assignments to the front lobby at the MDC. Most recently, several defense attorneys reported waiting over 90 minutes to be processed into MDC on July 2, 2025. Separately, the MDC also cited training and staffing issues as reasons for the inconsistent application of the dress code policy, such as when, on June 23, 2025, two female attorneys were asked to remove all jewelry except for wedding rings. Plaintiff is troubled by the persistence of miscommunications and difficulties with training—issues that lie at the heart of many impediments to legal access.

Settlement Agreement. Plaintiff received Defendant's redline of the draft settlement agreement on June 23, 2025. Plaintiff is in the process of reviewing the redline to the settlement agreement so that the parties may continue settlement discussions as soon as possible.

Remote Access. The parties continue to discuss ongoing issues related to remote access. Lawyers seeking to conduct meetings with clients via video teleconference ("VTC") have reported frequent technical and audibility issues, as well as an instance of the Federal Defenders phone line

on one of the units not working. The parties continue to work to ensure headphones are made available to clients for legal VTCs. Plaintiff understands that headphones should be available for VTCs whenever requested, regardless of whether MDC staff notes any audibility issues. Defendants have agreed, on a test basis, to ask MDC staff to bring headphones with them to VTCs on the 8th floor and affirmatively offer them to clients, to increase headphone access and resolve any miscommunication around the availability of headphones. Plaintiff appreciates the opportunity to raise and discuss these and other remote access issues through mediation.

Legal Access for ICE Detainees at MDC. Attorneys representing clients detained at MDC by United States Immigration and Customs Enforcement (“ICE”) have reported to Plaintiff that they were unable to visit their clients in person or schedule legal calls for over a week due to confusion regarding, and lack of publication of, the correct procedures for legal visitation and remote access for clients detained by ICE at MDC. Plaintiff appreciates the opportunity to raise this issue during mediation and gain clarity on how legal access for ICE detainees will be ensured without adding impediments to legal access for pretrial detainees.

* * *

We thank the Court for its continued attention to these important issues.

Respectfully submitted,



Sean Hecker

cc: Counsel of Record (by ECF)
Hon. Loretta Lynch, Paul, Weiss, Rifkind, Wharton & Garrison LLP (by e-mail)
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